



QUAKER PEACE AND LEGISLATION COMMITTEE

SUBMISSION ON RELIGIOUS FREEDOM

This submission is sent in response to the invitation from Tim Wilson, Human Rights Commissioner, to contribute comments ahead of the proposed Religious Freedom Roundtable to be held in November 2015. It draws upon the longstanding Quaker concern that each person is to be valued for their own integrity of belief and religion. The Religious Society of Friends (Quakers) was founded on the basis of spiritual freedom for individuals within a group context of mutual seeking and support. The world-wide Quaker community is itself culturally and theologically diverse, and its global body (Friends World Committee for Consultation) has the role of bringing together Friends of different traditions and cultures in worship and dialogue.

We endorse the Universal Declaration of Human Rights which says that “everyone has the right to freedom of thought, conscience and religion”, and this includes freedom to practice religion and to change it. We note that this right is also reflected in the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Declaration on the Elimination of All Forms of Intolerance and Discrimination based on Religion or Belief. We note that the Australian Constitution does not have a general protection of religious freedom, and that the absence of a bill of rights creates a vacuum in this respect.

We endorse the Guiding Principles of the Religious Freedom Roundtable, especially the emphasis on Australia as a pluralist and multi-faith society and on the need for mutual respect by all. We are committed to building a society based on nonviolent communication among citizens of different faiths, and within faith groups. We oppose the use of violence in the expression of religious belief.

We are pleased to acknowledge the role of two particular organisations. The Australian Partnership of Religious Organisations was formed in 2003 to promote interfaith harmony and mutual respect, to combat religious prejudice

and discrimination, and to address common concerns. Its membership crosses many religious boundaries. Religions for Peace Australia is part of a global network committed to global peace and to promoting co-operation among religions. We see these as offering important avenues for people from the different religious groups to be supported and offered a listening ear. Many of our members have been involved in interfaith dialogue and we would like to see more opportunities for such dialogue.

As part of our commitment to building peace at all levels, we are particularly concerned to preserve the right of conscientious objection to military service, including that based upon religious belief. Although this right is not explicitly recognised in the international human rights treaties, the UN Human Rights Committee, which oversees implementation of the International Covenant on Civil and Political Rights, has made it clear that conscientious objection to military service is protected under the right to freedom of thought, conscience and religion. On July 30, 1993, the Committee made a general comment (22, Paragraph 11): "The Covenant does not explicitly refer to a right to conscientious objection, but the Committee believes that such a right can be derived from article 18, inasmuch as the obligation to use lethal force may seriously conflict with the freedom of conscience and the right to manifest one's religion or belief."

In Australia, conscientious objection was originally confined to those opposed to all war, and Quakers could expect to qualify because of their pacifist orientation. The 1992 *Defence Legislation Amendment Act*, however, changed the conscientious objection provisions so that objection to a particular war became an acceptable ground for seeking exemption, with decisions being made by a special tribunal of lawyers. Given the nature of war today, we support the inclusion of this right in legislation.

In relation to issues such as same-sex marriage, we consider that the legal recognition of this option should be possible without infringing upon religious freedom. If someone has an objection on religious grounds to taking part in a ceremony of marriage, there should be no compulsion. However we do not believe that such an exemption should be broadened to cover normal legal, community and commercial services. In most cases it is likely that there will be alternative sources of services for this not to be an issue.

Of course, there is always the possibility that someone with a strong religious view can choose to break the law and accept the consequences, as Quakers have themselves done at various times in history.

Canberra,
September 2015